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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,781	03/25/2004	I-Yin Li	ACMP0047USA	2780

27765	7590	07/23/2007
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION		
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EXAMINER	
FRISBY, KESHA	

ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
07/23/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/708,781

Applicant(s)

LI, I-YIN

Examiner

Kesha Frisby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/25/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

The correct statement should read "I acknowledge the duty to disclose information which is material to patentability of this application in accordance with Title 37, Code of Federal Regulations Section 1.56" if this holds true to the applicant.

Claim Objections

3. Claim 8 is objected to because of the following informalities: Please insert a space between "vibrationsto". Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1, 2, 7, 8, 11 & 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Nelson et al. (U.S. Publication Number 2002/0160818).**

Referring to claim 1, Nelson et al. discloses an encoding module for encoding a text message into a vibration signal, the text message comprising a plurality of text data, each of the text data respectively encoded into a corresponding vibration data of the vibration signal by the encoding module (Decode/Encode Logic 330); and a vibrating module electrically connected to the encoding module for vibrating correspondingly according to the vibration data of the vibration signal in sequence (Figure 3: and paragraph 0043).

Referring to claim 2, Nelson et al. discloses wherein the communication apparatus further comprises a communicating module electrically connected to the encoding module for receiving the text message from a communication network (TX/RX 312).

Referring to claim 7, Nelson et al. discloses wherein the vibrating module performs vibrations in different time durations to distinguish different vibrating data (paragraph 0037).

Referring to claim 8, Nelson et al. discloses wherein when the vibrating module performs vibrations in different amplitudes of vibrations to distinguish different vibrating data (the variety of different custom codes, such as, in Tables I-VII).

Referring to claim 11, Nelson et al. discloses wherein the communication apparatus further comprises an input interface for receiving instructions input from a user and generating a corresponding text signal which is transmitted to the communicating module afterward (first, second and third buttons and buttons 120).

Referring to claim 12, Nelson et al. discloses wherein the communication apparatus further comprises: a microphone for transforming sound waves to an electric audio

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signal (microphone 214); and a speaker electrically connected to the communicating module for transforming an electric sound signal to a sound wave and broadcasting the sound wave (ear speaker 112); wherein the communicating module is capable of transmitting the audio signal to the communication network and receiving the sound signal (TX/RX 312).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. in view of Blouin (U.S. Patent Number 5,977,867).

Referring to claim 3, Nelson et al. discloses the communication apparatus of claim 1. *Nelson does not disclose wherein the vibration of the vibrating module has a vibration frequency less than a frequency of a sound wave.* However, Blouin teaches wherein the vibration of the vibrating module has a vibration frequency less than a frequency of a sound wave (frequency between 100-5000 hz). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include vibration frequency less than a frequency of a sound wave, as disclosed by Blouin, incorporated into Nelson et al. in order to make the sound less disturbing to the human ear.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. in view of Irazoqui (U.S. Patent Number 3,230,644).

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Referring to claim 4, Nelson et al. discloses the communication apparatus of claim 1.

Nelson et al. does not disclose wherein the vibrating module comprises a vibrator that is capable of vibrating in different frequencies for vibration. However, Irazoqui teaches wherein the vibrating module comprises a vibrator that is capable of vibrating in different frequencies for vibration (column 6 lines 34 & 35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a vibrator that is capable of vibrating in different frequencies for vibration, as disclosed by Irazoqui, incorporated into Nelson et al. so that the vibration can actuate the pins in order to help the blind determine what is being said.

9. Claims 5 & 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. in view of Irazoqui and Korhonen et al. (U.S. Publication Number 2005/0130695).

Referring to claims 5 & 6, Nelson et al. discloses the communication apparatus of claim 1. *Nelson et al. does not disclose wherein the vibrating module comprises a plurality of vibrators, whereby different vibrators vibrating in different frequencies and wherein the in different positions of the communication apparatus.* However, Korhonen et al. teaches wherein the vibrating module comprises a plurality of vibrators (Fig. 4 & paragraph 0025) and wherein the vibrators are disposed in different positions of the communication apparatus (see Fig. 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a plurality of vibrators, as disclosed by Korhonen et al., incorporated into Nelson et al. in order to generate stronger tactile effects. *Nelson et al./Korhonen does not teach whereby different*

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vibrators vibrating in different frequencies. However, Irazoqui teaches whereby different vibrators vibrating in different frequencies (column 6 lines 34 & 35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include whereby different vibrators vibrating in different frequencies, as disclosed by Irazoqui, incorporated into Nelson et al./Korhonen so that the vibration can actuate the pins in order to help the blind determine what is being said.

10. Claims 9 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. in view of Higuchi et al. (U.S. Patent Number 6,377,823).

Referring to claims 9 & 10, Nelson et al. discloses the communication apparatus of claim 2 and wherein the communication apparatus is a mobile phone (wireless mobile phone). *Nelson et al. does not disclose wherein the communication apparatus further comprises a communicating module electrically connected to the encoding module for receiving the text message from a communication network.* Nelson does disclose signals (claims 4, 21 & 47: signals). However, Higuchi et al. teaches wherein the communicating module is used to receive a radio signal (radio frequency signals). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include radio signals, as disclosed by Higuchi et al., incorporated into Nelson et al. so that radio signals can be transmitted and received.

Citation of Pertinent Prior Art

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Payne (GB 2181591 A) teaches an electronic vibrational display.

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Rolnik et al. (U.S. Publication Number 2003/0207701) teaches a method and apparatus for selecting and using numeric nicknames.

Winnet (U.S. Patent Number 6,690,262) teaches systems and methods for two-way messaging using a pager.

Mazawa et al. (U.S. Patent Number 7,039,425) teaches a terminal usage limiting apparatus.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kesha Frisby whose telephone number is 571-272-8774. The examiner can normally be reached on Mon. - Wed. 7-3pm & Thurs. - Fri. 7-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kyf

Kyf 7/17/2007

Ronald Laneau
Primary Patent Examiner
Art Unit 3714

Ronald Laneau
RONALD LANEAU
PRIMARY EXAMINER

7/18/07